

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

EMMA GIACOMO, by and through her son
and next friend, GEORGE ALFORD,

Plaintiff,

vs.

BEVERLY ENTERPRISES-ALABAMA,
INC., et al.,

Defendants.

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NO. 3:08-CV-19-WKW

SECOND MOTION TO COMPEL ARBITRATION

COMES NOW Defendant in the above-styled cause and moves this Honorable Court to compel arbitration. In support of said motion Defendant shows as follows:

1. The parties have agreed to resolve this matter through binding arbitration with James H. Anderson of Beers, Anderson, Jackson, Patty and Fawal, P.C. as the arbitrator.
2. This motion is uncontested.

Wherefore, the parties request that this Honorable Court enter an Order granting Defendant's motion to compel arbitration.

Respectfully submitted this 13th day of March, 2008.

/s/ W. Benjamin Broadwater

W. BENJAMIN BROADWATER (BRO150)

ANDREW C. CLAUSEN (CLA044)

Attorneys for Defendant Beverly Enterprises-
Alabama, Inc. d/b/a Beverly Healthcare-Lanett,
LLC

OF COUNSEL:

ALFORD, CLAUSEN & McDONALD, LLC
One St. Louis Centre, Suite 5000
Mobile, Alabama 36602
(251) 432-1600
(251) 432-1700 (fax)

CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2008, the foregoing document was electronically filed with the Clerk of this Court using the CM/ECF system which will send notification of such filing to the following:

Nick Wooten, Esq.
WOOTEN LAW FIRM, P.C.
Post Office Box 290
Lafayette, Alabama 36862

David J. Hodge, Esq.
PITTMAN, DUTTON, KIRBY & HELLUMS, P.C.
2001 Park Place North
1100 Park Place Tower
Birmingham, Alabama 35203

/s/ W. Benjamin Broadwater

COUNSEL